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2008 SEP 12 P 1:55

September 11, 2008

Mr. Jeff S. Jordan, Esq.
Supervisory Attorney
Federal Elections Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 6010, Respondent's Answer

Dear Mr. Jordan:

Enclosed please find Respondent McClintock for Congress Committee's Answer in the above-referenced matter.

Please feel free to contact me with any questions.

Regards,

Igor A. Birman, Esq.
Counsel for Respondent

Paid for by McClintock for Congress

1700 Eureka Road, Suite 170 • Roseville, CA 95661 • phone: (530) 613-1188

www.HelpTom.com

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BEFORE THE FEDERAL ELECTION COMMISSION
COMPLAINT

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CHERYL SCHMIT, ET AL

MUR No. 6010

COMPLAINANTS

vs.

**MCCLINTOCK FOR CONGRESS,
FEC ID C00446815,**

**ANSWER TO COMPLAINT
WITH
AFFIRMATIVE DEFENSES**

RESPONDENT.

IGOR A. BIRMAN (SBN 254391)
1029 K Street, Suite 44
Sacramento, CA 95814
Telephone: (916) 446-1246
Facsimile: (916) 447-9268

ATTORNEY FOR RESPONDENT
MCCLINTOCK FOR CONGRESS

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Respondent, McClintock for Congress, by its attorney Igor Birman, Esq., for its answer to the Complaint of Cheryl Schmit et al, collectively "Complainants" herein, alleges as follows:

SPECIFIC ALLEGATIONS

1. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of this section.
2. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.
3. As for the allegation contained in Paragraph 3, relating to Partnership For America, Respondent denies having knowledge or information sufficient to form a belief as to the truth thereof. As for the allegations contained in Paragraph 3, relating to Tom McClintock, Respondent denies the allegation that Tom McClintock is or was an agent of Partnership for America. Respondent denies the allegation that Tom McClintock at any point in time solicited contributions for Partnership for America.
4. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.
5. As for the allegation contained in Paragraph 5, relating to Steve Ding's agency status with Partnership for America, Respondent denies having knowledge or information sufficient to form a belief as to the truth thereof. Respondent admits that Respondent retained the services of Steve Ding to organize a fundraising trip for Respondent to Washington, D.C. in exchange for compensation. Respondent severed all ties on April 9, 2008 and has not retained the services of Steve Ding for any other purpose and at any date subsequent to April 9, 2008. Except as so admitted, Respondent denies the allegations contained in Paragraph 5.
6. Respondent admits the truth of allegations contained in Paragraph 6.
7. As for the allegations contained in Paragraph 7, Respondent admits the truth of Tom McClintock's presence at the meeting of the National Indian Gaming Association. Respondent admits the truth of Tom McClintock's personal solicitation of funds for Respondent, his authorized committee. Respondent denies the allegation that Steve Ding was its agent on April 22, 2008 or at any point subsequent to April 9, 2008. Respondent denies the allegation that Tom McClintock at any point in time solicited funds for Partnership for America.
8. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of this section.

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9. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations and improper conclusions of law contained in Paragraph 9 of this section.
 10. Paragraph 10 contains an improper conclusion of law and is devoid of facts.
 11. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations and improper conclusions of law contained in Paragraph 11 of this section.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The claims must be dismissed because Respondent did not solicit funds in excess of contribution limits or outside of source restrictions of the Federal Election Campaign Act.

THIRD AFFIRMATIVE DEFENSE

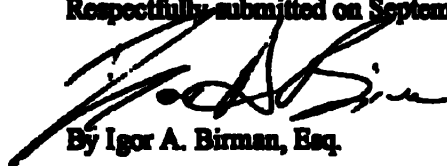
The claims must be dismissed because Respondent properly disclosed all contributions it solicited and received.

FOURTH AFFIRMATIVE DEFENSE

The claims must be dismissed because Respondent did not solicit funds for Partnership for America and did not coordinate its activities with Partnership for America.

WHEREFORE, Respondent McClintock for Congress respectfully requests a dismissal of the Complaint in its entirety.

Respectfully submitted on September 10th, 2008 in Sacramento California,



By Igor A. Birman, Esq.

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CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s]; not Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Signature of Document Signer No. 1: [Signature]
Signature of Document Signer No. 2 (if any): X

State of California

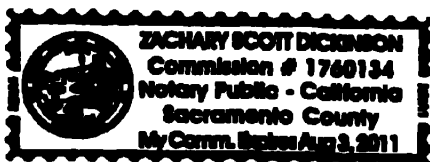
County of Sacramento

Subscribed and sworn to (or affirmed) before me on this

11th day of September, 2008, by
Date Month Year

(1) IGOR A BIRMAN, ESQ.
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (x)



(and)
(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature: [Signature]
Signature of Notary Public

Please Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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